

**AMENDMENT TO THE AMENDMENT IN THE NATURE OF A  
SUBSTITUTE TO THE COMMITTEE REPORT FOR THE RESOLUTION  
RECOMMENDING THAT THE HOUSE OF REPRESENTATIVES FIND  
MERRICK B. GARLAND IN CONTEMPT OF CONGRESS FOR  
REFUSAL TO COMPLY WITH A SUBPOENA DULY ISSUED BY THE  
COMMITTEE ON THE JUDICIARY**

Offered by Ms. Dean of Pennsylvania.

**At the end of page 11, after the paragraph ending in, “that was important to Special Counsel Hur’s investigation,” insert:**

In fact, any democracy has a strong interest in protecting private conversations in a sensitive law enforcement file from being used as a tool of partisan politics. The Department of Justice noted in both in its April 8 and 25 letters:

To go further by producing the audio files would compound the likelihood that future prosecutors will be unable to secure this level of cooperation. They might have a harder time obtaining consent to an interview at all. It is clearly not in the public interest to render such cooperation with prosecutors and investigators less likely in the future.<sup>1</sup>

The Department also explained the concerns that are unique to producing an audio file rather than a transcript:

The potential chilling effect on cooperation from producing the audio of someone’s voice is serious, particularly for uncharged parties who are recorded in the sensitive and potentially high-pressure context of a law enforcement interview ... In addition, the clear possibility of manipulation and abuse of audio files increase these privacy concerns and may reduce the willingness of an interview subject to cooperate if they believe their audio file could be made publicly available. The “potential for misuse” of an audio recording, such as through “cutting, erasing, and splicing,” have also been recognized by courts for

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<sup>1</sup> Apr. 8 Letter at 5, *supra* note 67.

decades. The dangers of deepfakes and wide online distribution of manipulated audio files make these concerns particularly acute today.<sup>2</sup>

The Justice Department’s concerns about audio files being manipulated and distributed is well-founded given the numerous instances in which Republican leaders—including members of this Committee—have distributed manipulated and deceptively edited media to damage their political opponents or mislead the American public.

Chairman Jordan himself shared a deceptively edited video of Nina Jankowicz, the former Executive Director of the Disinformation Governance Board within the Department of Homeland Security. Clips of Ms. Jankowicz speaking during a panel were spliced together to make it look like she endorsed verified users editing other user’s tweets.<sup>3</sup> The truth is that Ms. Jankowicz, well before she joined the Board, was simply explaining the mechanics of a community-driven program Twitter had put into place called “Birdwatch,” which did not allow users to edit others’ posts, and she did not endorse or express a personal opinion about the program.<sup>4</sup> In reckless disregard of the facts, Chairman Jim Jordan tweeted a link to the deceptively edited video on May 12, 2022, with caption “1984.”<sup>5</sup> Ms. Jankowicz testified about this incident in an interview before this Committee:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

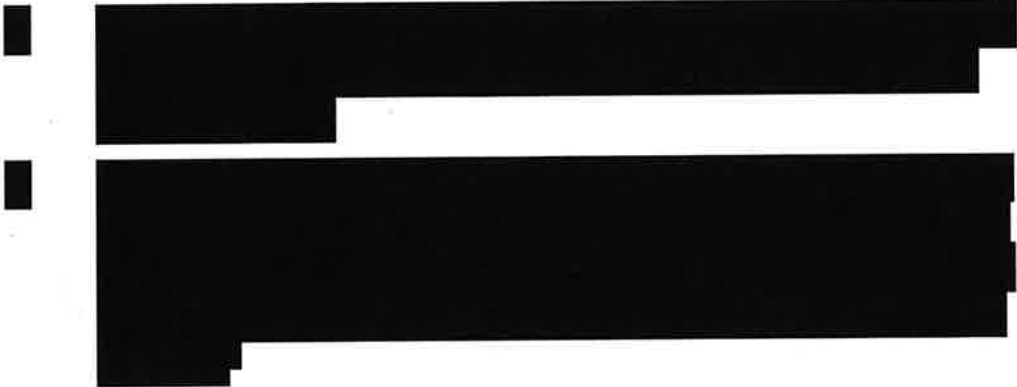
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<sup>2</sup> Letter from Hon. Carlos F. Uriarte, Assistant Att’y Gen., U.S. Dep’t of Justice, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability at 7-8 (Apr. 25, 2024) (citation omitted).

<sup>3</sup> Sophia Tulp, *Old comments by disinformation board director misrepresented online*, ASSOC. PRESS (May 14, 2022, 6:04 PM), <https://apnews.com/article/fact-check-disinformation-board-director-twitter-049631150022>.

<sup>4</sup> Transcribed Interview with Ms. Nina Jankowicz at 144-46 (Apr. 10, 2023) (on file with the Committee).

<sup>5</sup> Rep. Jim Jordan (@Jim\_Jordan), TWITTER (May 12, 2022, 12:25 PM), [https://web.archive.org/web/20220512162549/https://twitter.com/Jim\\_Jordan/status/1524787784812318720](https://web.archive.org/web/20220512162549/https://twitter.com/Jim_Jordan/status/1524787784812318720); [https://twitter.com/Jim\\_Jordan/status/1524787784812318720](https://twitter.com/Jim_Jordan/status/1524787784812318720).



As a result of the misleading narratives being spread about her, including Chairman Jordan’s amplification of manipulated video, Ms. Jankowicz received tens of thousands of death threats.<sup>7</sup> She had to go to court to obtain a restraining order against an individual who has harassed her and repeatedly doxed her family.<sup>8</sup> She was 8 months pregnant while strangers online called her a Nazi and told her that she should die, and she had to attend her prenatal appointments in disguise to avoid being recognized and harassed on the street.<sup>9</sup> When a reporter reached out to Chairman Jordan’s staff regarding the “blowback” Ms. Jankowicz encountered, a staffer responded that Ms. Jankowicz was the “board’s public face, and should thus be held accountable in public.”<sup>10</sup>

Other Republicans have also shared deceptively edited and manipulated media to mislead the public.

In August 2020, the current House majority leader shared an edited video that changed the words of a disabled activist and spliced clips together to falsely portray President Biden appearing to support defunding all police, even though Biden specifically said that the reforms being discussed were “not the same as getting rid of or defunding all the police.”<sup>11</sup>

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<sup>6</sup> *Id.* at 145-46.

<sup>7</sup> *Id.* at 162.

<sup>8</sup> *Id.* at 82-84.

<sup>9</sup> *Id.* at 84-87, 162.

<sup>10</sup> Heidi Przybyla, *‘A surreal experience’: Former Biden ‘disinfo’ chief details harassment*, POLITICO (Mar. 8, 2023), <https://www.politico.com/news/2023/03/08/former-biden-disinfo-chief-details-harassment-00085981>.

<sup>11</sup> Jason Silverstein, *Twitter flags video shared by top House Republican that manipulates the words of a disabled activist*, CBS NEWS (Aug. 31, 2020), <https://www.cbsnews.com/news/steve-scalise-republican-house-twitter-video-flagged-manipulated/>.

In March 2020, the then-Trump White House Social Media director posted, and then-President Trump retweeted, a manipulated video that cut off half of President Biden’s sentence to make it look like Biden was endorsing Trump.<sup>12</sup>

And back in 2019, then-President Trump posted a heavily edited video of then-House Speaker Nancy Pelosi—a video that even Republicans criticized for being doctored.<sup>13</sup>

These few examples demonstrate that the Justice Department is justified in its concern that the audio files that the Committee is currently requesting will likewise be manipulated by Congressional Republicans and President Trump. The potential chilling effect that the public release of manipulated audio could have on future witnesses could cause a “loss to law enforcement” that “would be significant.”<sup>14</sup>

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<sup>12</sup> Donie O'Sullivan & Sarah Mucha, *Twitter botches fact-check of manipulated Biden video retweeted by Trump*, CNN (Mar. 9, 2020), <https://www.cnn.com/2020/03/09/tech/scavino-trump-biden-twitter-video/index.html>.

<sup>13</sup> Felicia Sonmez, *Republican lawmaker criticizes Trump for sharing heavily edited video of Pelosi*, WASH. POST (May 26, 2019), [https://www.washingtonpost.com/politics/republican-lawmaker-criticizes-trump-for-sharing-heavily-edited-video-of-pelosi/2019/05/26/6e8b310e-7fde-11e9-933d-7501070ee669\\_story.html](https://www.washingtonpost.com/politics/republican-lawmaker-criticizes-trump-for-sharing-heavily-edited-video-of-pelosi/2019/05/26/6e8b310e-7fde-11e9-933d-7501070ee669_story.html).

<sup>14</sup> Letter from Hon. Carlos F. Uriarte, Assistant Att’y Gen., U.S. Dep’t of Justice, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability at 8 (Apr. 25, 2024).